

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ROBERT WAYNE MITCHELL,

Petitioner,

v.

**LORIE DAVIS, Director
Texas Department of Criminal Justice,
Correctional Institutions Division,**

Respondent.

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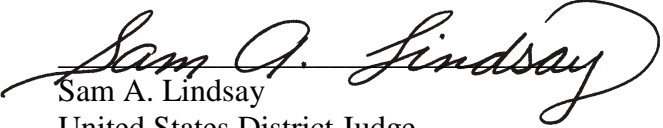
Civil Action No. **3:19-CV-1317-L**

ORDER

On August 20, 2019, the Amended Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 12) was entered, recommending that Petitioner’s habeas petition be construed as successive and transferred to the United States Court of Appeals for the Fifth Circuit. In a motion docketed on September 5, 2019, Petitioner contends that he did not consent to the magistrate judge’s exercise of jurisdiction. The court construes Petitioner’s motion as an objection to the Report.

Having reviewed the pleadings, file, record in this case, and Report, and having conducted a de novo review of that portion of the Report to which objection was made, the court determines that the findings and conclusions of the magistrate judge are correct, **accepts** them as those of the court, and **overrules** Petitioner’s objections. Accordingly, the court determines that it lacks jurisdiction to consider this successive habeas petition and **directs** the clerk of the court to **transfer** the successive habeas petition in this case to the Fifth Circuit to determine whether Petitioner should be allowed to proceed with this habeas petition.

It is so ordered this 13th day of September, 2019.


Sam A. Lindsay
United States District Judge